

Comment Letter 0067 Continued

Sierra Club/Loma Prieta Chapter

Draft Response Letter: CAHSR- DRAFT EIR/EIS

APPENDIX 1 Bridges in the Bay Area

	Dumbarton Bridge	San Mateo-Hayward Bridge	New Bay Bridge East Span	New Carquinez Bridge
Open Year	1984	1967	2007	2003
Cost	\$70 M	\$70 M	\$2,600 M (\$2.6 B)	\$220 M
Structure	Steel box girder and pre-stressed concrete approach spans	Steel box girder and concrete trestle approach spans	A steel single-tower suspension span over the shipping channel and a pier-supported concrete "skyway"	Steel cantilever and suspension bridge with an orthotropic deck
Length	8,600 ft	37,000 ft	11,500 ft	3,500 ft
Number of Traffic Lanes	3 traffic lanes in each direction	Trestle flat portion: 2 traffic lanes in each direction Highrise portion: 3 traffic lanes in each direction	5 traffic lanes plus emergency shoulders in each direction	3 mixed-flow westbound, 1 HOV lane and pedestrian/bicycle lane on west side of bridge
Width (both direction)	85 ft (Data not found – assume approximately the same width as that of San Mateo-Hayward Bridge)	85 ft (Highrise portion)	168 ft (+15 ft-wide pedestrian/bicycle path on the southern side)	95 ft
Channel span	340 ft	750 ft	1,200 ft	2,400 ft
Vertical Clearance	85 ft	135 ft	184 ft	148 ft

ERROR! REFERENCE SOURCE NOT FOUND.

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APPENDIX 2 Earthwork (Cut/Fill) Volumes and Costs¹⁴

Segment No./Name	Northern Alignment	Minimize Tunnel	Tunnel under Park	SR-152 Alignment	Revised Merced (Segment 13A)
Segment Length	72.68 km	71.46 km	71.35 km	33.81 km	50.834 km
At-Grade Sect. Length	37.64 km	40.93 km	35.68 km	19.76 km	49.534 km
Construction Cost ¹⁵	\$2,316 M	\$2,365 M	\$2,452 M	\$1,286 M	\$265 M
Method to calculate Cut/Fill Volume	Digital Terrain Model (DTM)				Constant Cross-Section
Cut Volume	45,568*10 ³ m ³	66,869*10 ³ m ³	39,659*10 ³ m ³	45,302*10 ³ m ³	1,510*10 ³ m ³
Fill Volume	15,662*10 ³ m ³	28,158*10 ³ m ³	24,110*10 ³ m ³	14,249*10 ³ m ³	1,510*10 ³ m ³
Cut/Fill Volume Total	61,230*10 ³ m ³	95,028*10 ³ m ³	63,769*10 ³ m ³	59,551*10 ³ m ³	3,020*10 ³ m ³
Unit Price	\$7.59 /m ³				
Cut/Fill Cost	\$464 M	\$721 M	\$484 M	\$452 M	\$23 M
Cut/Fill Volume per Segment Length	842*10 ³ m ³ /km	1,330*10 ³ m ³ /km	894*10 ³ m ³ /km	1,761*10 ³ m ³ /km	59*10 ³ m ³ /km
Cut/Fill Volume per At-Grade Sect. Length	1,627*10 ³ m ³ /km	2,322*10 ³ m ³ /km	1,787*10 ³ m ³ /km	3,014*10 ³ m ³ /km	61*10 ³ m ³ /km
Cut/Fill Cost per Segment Length	\$6.4 M /km	\$10.1 M /km	\$6.8 M /km	\$13.4 M /km	\$0.45 M /km
Cut/Fill Cost per At-Grade Sect. Length	\$12.3 M /km	\$17.6 M /km	\$13.6 M /km	\$22.9 M /km	\$0.46 M /km
Cut/Fill % of Construction Cost	20%	30%	20%	35%	9%

¹⁴ Based on "Capital and Operations and Maintenance Costs, Appendix F", California High-Speed Rail Authority and U.S. Department of Transportation Federal Railroad Administration, January 2004 (http://www.calhighspeedrail.ca.gov/eir/pdft/rgn_studies/state/Costs/Final_Cost_Rept_App_F.pdf).

¹⁵ Excluding the costs of Environmental Mitigation, Right-of-Way, Program Implementation, and Contingencies.

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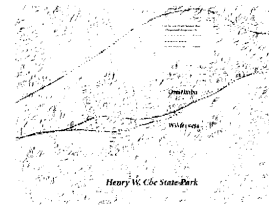
APPENDIX 3
Price Index for Selected Highway

PRICE INDEX FOR SELECTED
CALIFORNIA CONSTRUCTION ITEMS
1987 = 100

YEAR	QTRLY	LAST 12 MONTHS	ANNUAL
1972			35.0
1973			31.2
1974			45.6
1975			46.7
1976			47.7
1977			53.7
1978			62.1
1979			80.1
1980			82.1
1981			90.6
1982			81.3
1983			81.9
1984			93.3
1985			92.7
1986			95.0
1987			100.0
1988			104.4
1989			111.3
1990			113.5
1991			106.2
1992			106.6
1993			113.1
1994			119.0
1995			115.0
1996			119.2
1997 (1st Quarter)	157.0	124.7	
1997 (2nd Quarter)	108.2	119.6	
1997 (3rd Quarter)	144.8	125.4	
1997 (4th Quarter)	155.1		
(Year)			124.8
1998 (1st Quarter)	113.0	120.1	
1998 (2nd Quarter)	131.6	130.4	
1998 (3rd Quarter)	162.8	133.3	
1998 (4th Quarter)	126.5		
(Year)			128.6
1999 (1st Quarter)	129.4	133.5	
1999 (2nd Quarter)	140.3	136.4	
1999 (3rd Quarter)	174.5	136.6	
1999 (4th Quarter)	115.2		
(Year)			139.2
2000 (1st Quarter)	162.7	148.1	
2000 (2nd Quarter)	167.6	156.5	
2000 (3rd Quarter)	132.3	144.7	
2000 (4th Quarter)	152.0		
(Year)			146.2
2001 (1st Quarter)	140.1	137.0	
2001 (2nd Quarter)	141.6	134.8	
2001 (3rd Quarter)	167.5	141.6	
2001 (4th Quarter)	163.3		
(Year)			154.1
2002 (1st Quarter)	145.1	157.5	
2002 (2nd Quarter)	129.5	148.4	
2002 (3rd Quarter)	175.5	149.7	
2002 (4th Quarter)	153.7		
(Year)			142.2
2003 (1st Quarter)	188.2	143.2	
2003 (2nd Quarter)	158.1	155.6	
2003 (3rd Quarter)	190.7	158.3	
2003 (4th Quarter)	138.2		
(Year)			148.6

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APPENDIX 4
Proposed HSR Along the Henry W. Coe Park



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APPENDIX 5

Table of Species

Scientific Name	Common Name	Fed Rank	Cal Rank	Number of Occurrences
<i>Gambelia sita</i>	blunt-nosed leopard lizard	FE	CE	1
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE	CE	1
<i>Castilleja affinis</i> ssp. <i>Neglecta</i>	Tiburon Indian paintbrush	FE	CT	2
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	FE	CT	6
<i>Ceanothus ferrisiae</i>	Coyote ceanothus	FE	None	4
<i>Dudleya setchellii</i>	Santa Clara Valley dudleya	FE	None	11
<i>Streptanthus albidus</i> ssp. <i>albidus</i>	Metcalf Canyon jewel-flower	FE	None	7
<i>Trifolium amoenum</i>	showy indian clover	FE	None	1
<i>Desmocerus californicus dimorphus</i>	valley elderberry	FT	None	1
<i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly	FT	None	7
<i>Oncorhynchus mykiss irideus</i>	steelhead - south/central California coast esu	FT	None	1
<i>Rana aurora draytonii</i>	California red-legged frog	FT	None	64
<i>Ambystoma californiense</i>	California tiger salamander	Prop. Threat.	None	63
<i>Eryngium racemosum</i>	Delta button-celery	FSC	CE	1
<i>Buteo swainsoni</i>	Swainson's hawk	FSC	CT	13
<i>Riparia riparia</i>	bank swallow	FSC	CT	1
<i>Sanicula saxatilis</i>	rock sanicle	FSC	Rare	5
<i>Adela opterella</i>	Opler's longhorn moth	FSC	None	5
<i>Agelaius tricolor</i>	tricolored blackbird	FSC	None	22
<i>Allium sharsmithiae</i>	Sharsmith's onion	FSC	None	4
<i>Astragalus tener</i> var. <i>tener</i>	alkali milk-vetch	FSC	None	1
<i>Athene cucularia</i>	burrowing owl	FSC	None	20
<i>Atriplex cordulata</i>	heartscale	FSC	None	1
<i>Atriplex depressa</i>	brittlescale	FSC	None	1
<i>Atriplex joaquiniiana</i>	San Joaquin saltbush	FSC	None	2
<i>Atriplex persistens</i>	vernal pool smallscale	FSC	None	1
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i>	big-scale balsamroot	FSC	None	1
<i>Blepharizonia plumosa</i> ssp. <i>plumosa</i>	big tarplant	FSC	None	1
<i>Calicina (=sitalcina) minor</i>	Edgewood blind harvestman	FSC	None	1
<i>Campanula sharsmithiae</i>	Sharsmith's harebell	FSC	None	6
<i>Castilleja rubicundula</i> ssp. <i>rubicundula</i>	pink creamsacs	FSC	None	1
<i>Cirsium fontinale</i> var. <i>campylon</i>	Mt. Hamilton thistle	FSC	None	31
<i>Coreopsis hamiltonii</i>	Mt. Hamilton coreopsis	FSC	None	17

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Scientific Name	Common Name	Fed Rank	Cal Rank	Number of Occurrences
<i>Delphinium californicum</i> ssp. <i>interius</i>	Hospital Canyon larkspur	FSC	None	4
<i>Emys (=Clemmys) marmorata marmorata</i>	northwestern pond turtle	FSC	None	1
<i>Emys (=Clemmys) marmorata pallida</i>	southwestern pond turtle	FSC	None	1
<i>Eriastrum brandegeae</i>	Brandegee's eriastrum	FSC	None	1
<i>Eschscholzia rhombipetala</i>	diamond-petaled California poppy	FSC	None	1
<i>Fritillaria falcata</i>	talus fritillary	FSC	None	10
<i>Fritillaria liliacea</i>	fragrant fritillary	FSC	None	4
<i>Hesperolinon</i> sp. nov. "serpentinum"	Napa western flax	FSC	None	4
<i>Hoita strobilina</i>	Loma Prieta hoita	FSC	None	2
<i>Legenere limosa</i>	legenere	FSC	None	1
<i>Lessingia micradema</i> var. <i>glabrata</i>	smooth lessingia	FSC	None	9
<i>Lomatium observatorium</i>	Mt. Hamilton lomatium	FSC	None	4
<i>Lotus rubriflorus</i>	red-flowered lotus	FSC	None	2
<i>Malacothamnus hallii</i>	Hall's bush mallow	FSC	None	8
<i>Masticophis flagellum ruddocki</i>	San Joaquin whipsnake	FSC	None	3
<i>Meconella oregana</i>	Oregon meconella	FSC	None	1
<i>Myotis yumanensis</i>	Yuma myotis	FSC	None	1
<i>Perognathus inornatus inornatus</i>	San Joaquin pocket mouse	FSC	None	4
<i>Phacelia phacelioides</i>	Mt. Diablo phacelia	FSC	None	9
<i>Phrynosoma coronatum (frontale)</i>	Coast (California) horned lizard	FSC	None	2
<i>Plagiobothrys glaber</i>	hairless popcorn-flower	FSC	None	1
<i>Plagiobothrys uncinatus</i>	hooked popcorn-flower	FSC	None	1
<i>Rana boylei</i>	foothill yellow-legged frog	FSC	None	13
<i>Spea (=Scaphiopus) hammondi</i>	western spadefoot	FSC	None	4
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	FSC	None	10
<i>Streptanthus callistus</i>	Mt. Hamilton jewel-flower	FSC	None	4
<i>Streptanthus insignis</i> ssp. <i>lyoni</i>	Arbunra Ranch jewel-flower	FSC	None	7
<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>	saline clover	FSC	None	1
<i>Eriastrum tracyi</i>	Tracy's eriastrum	None	Rare	1
<i>Ardea herodias</i>	great blue heron	None	None	1
<i>Emys (=Clemmys) marmorata</i>	western pond turtle	None	None	23
<i>Fremophila alpestris acta</i>	California horned lark	None	None	5
<i>Erodium macrophyllum</i>	round-leaved filaree	None	None	2
<i>Eucerceris ruficeps</i>	redheaded sphecoid wasp	None	None	1

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Scientific Name	Common Name	Fed Rank	Cal Rank	Number of Occurrences
<i>Falco mexicanus</i>	prairie falcon	None	None	14
Great Valley Cottonwood Riparian Forest	Great Valley Cottonwood	None	None	1
<i>Lavinia symmetricus</i> ssp. 1	San Joaquin roach	None	None	1
<i>Navarretia nigelliformis</i> ssp. <i>radians</i>	shining navarretia	None	None	2
North Central Coast Drainage Sacramento Sucker/Roach River	North Central Coast Drainage Sacramento Sucker/Roach River	None	None	1
<i>Pogonichthys macrolepidotus</i>	Sacramento splittail	None	None	1
<i>Serpentine Bunchgrass</i>	Serpentine Bunchgrass	None	None	3
<i>Sycamore Alluvial Woodland</i>	Sycamore Alluvial Woodland	None	None	5
	Franciscan wallflower	FC		
	Serpentine linanthus			
	Large-flowered linanthus			
	Halls bush mallow			
	Most beautiful jewelflower	FC		
<i>Acanthomintha lanceolata</i>	Santa Clara thormmint	None	None	
<i>Androsace elongata</i> ssp. <i>acuta</i>	California androsace	None	None	
<i>Campanula exigua</i>	chaparral harebell	None	None	
<i>Ceanothus ferrisiae</i>	Coyote ceanothus	FE	None	
<i>Clarkia breweri</i>	Brewer's Clarkia	None	None	
<i>Clarkia concinna</i> ssp. <i>automixa</i>	Santa Clara red ribbons	None	None	
<i>Eriastrum brandegeae</i>	Brandegee's Eriastrum	None	CSC	
<i>Eriophyllum jepsonii</i>	Jepson's woolly sunflower	None	None	
<i>Erysimum franciscanum</i>	San Francisco wallflower		CSC	
<i>Lessingia tenuis</i>				
<i>Linanthus ambiguus</i>				
<i>Linanthus grandiflorus</i>				
<i>Plagiobothrys myosotoides</i>				
<i>Psilocarphus brevissimus</i> var. <i>multiflorus</i>				

FT: Federally Listed Threatened

FC: Federal candidate species

FE: Federally Listed Endangered

FSC: Federal Species of Concern (Former category 2 candidates)

CSC: California Species of Special Concern

MNBMC: Migratory Nongame Birds of Management Concern (designated by USFWS)

CE: California Listed Endangered

lizardCT: California listed Threatened

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APPENDIX 6

Letter of the CNPS, dated February 27, 2004

THE CALIFORNIA HIGH-SPEED RAIL PROPOSAL- a Santa Clara Valley CNPS perspective

The Draft Environmental Impact Report/Environmental Impact Statement (DRAFT EIR/S/EIS) for the California High-Speed Train (HSR) was released a little over a week ago. Comments are due by May 13, 2004.

The California High Speed Rail Authority is the lead agency under CEQA, and the Federal Rail Authority is the relevant agency under NEPA. The DRAFT EIR/S/EIS is a "program level" or first tier document, and is lacking in many details that would permit a thorough analysis of environmental impacts. Nevertheless, this is a very major project with an enormous head of steam behind it and it is extremely important that the environmental concerns of CNPS be thoroughly documented in this review process.

WHAT: This is a proposal to build, with public money, a high-speed intercity rail system linking the San Francisco Bay and the Central Valley with Los Angeles and San Diego. Seven hundred miles of new, grade-separated track would be laid, apparently single-track to begin with. The line would be electrified except between Los Angeles and San Diego. The proposal says trains would travel in excess of 200 mph, a projected 86 weekday trains in each direction carrying 68 million passengers by 2020. The proposal estimates cost at \$33 to \$37 billion in 2003 dollars. Subsequently, proponents have conceded that it will be at least \$37 billion. (Bizjak 1/27/2004)

SANTA CLARA VALLEY ROUTES: The system proposes two possible routes from the San Francisco Bay Area to the Central Valley, with some alternatives within these routes. One route would go south from San Jose to Gilroy and follow State route 152, Pacheco Pass, with a series of tunnels. To the north of Gilroy are two alternatives, collectively referred to as the Northern Routes. The starting point for these is Metcalf Canyon, which begins just east of US 101 between San Jose and Morgan Hill in Santa Clara County. A series of tunnels are proposed starting about halfway up the canyon. One alternative then swings north crossing both Isabel Valley and San Antonio Valley above ground. Another alternative swings south, passing through part of Henry Coe State Park, partly in tunnels, partly at the surface. A route to the Central Valley over Altamont Pass, that would only go to San Jose in Santa Clara County, was dropped from consideration. (Alignment Option Map)

ROUTE IMPACTS ON SENSITIVE SPECIES: Both Northern Routes would have severe negative environmental impacts. Metcalf Canyon is in the middle of Coyote Ridge, an area that the chapter and a coalition of environmental groups have been working for years to preserve. It is home to 10 special animals. It is the only remaining viable habitat for the Bay checkerspot butterfly, federally listed as threatened. It is also habitat for the California red-legged frog and California tiger salamander. There are 14

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special status plants on Coyote Ridge. The Metcalf Canyon jewelflower, on the federal endangered list, is found only in Metcalf Canyon. Three other plants are on the federal endangered list. The Hamilton Range to the east is an undeveloped area, a natural boundary between the urbanized area of the Santa Clara Valley and the Central Valley. The Nature Conservancy has placed a high priority on preservation of this area and has acquired easements on property in Isabel Valley. A ranch in San Antonio Valley has 12 special status plants, including three of the four recorded populations of the Mt. Hamilton jewelflower. Henry Coe Park, locus of an alternative Northern Route contains the other recorded population of the jewelflower and 14 other special status plants. The Pacheco Pass route appears to impact one special status plant in Santa Clara County, but has impacts on animals and plant communities (Table 1.)

PUBLIC OPINION: The Sierra Club supports the high-speed rail concept. A brochure they are distributing says "the best ride for the environment". They oppose the Northern Route. "No trains through the Diablo Range!" says their brochure. The Loma Prieta Chapter of the Sierra Club has been very helpful and receptive to the concerns of the Santa Clara Valley CNPS chapter. The Sierra Club criticizes the DRAFT EIR/S/EIS for dropping the Altamont Pass Route. Richard Tolmach, President of the California Rail Foundation, also criticizes the failure to consider the Altamont Pass route and on a number of other points in an editorial in the *Sacramento Bee* (1/25/2004). There is both editorial support and criticism around the state. (see References)

CNPS ACTION: The Santa Clara Valley Chapter of CNPS opposes the Northern Routes through the Diablo Range. We request the support of state CNPS and other local chapters is opposing this route. We intend to provide timely documentation of impacts of these routings to special status plants in response to this DRAFT EIR/S/EIS. We will not recommend or evaluate other routes, because this is beyond our scope and competence. The analysis of impacts to special status species in the DRAFT EIR/S/EIS was extremely superficial; a number of important species were simply left out. We infer that habitat protection may not be given much weight in route choice. We recognize the importance of public opinion in influencing outcomes. We urge state CNPS, local chapters, and other environmental organizations to join us in an education campaign to oppose the Northern Routes and raise awareness of the need for habitat protection. (Sources: where not otherwise cited, DRAFT EIR/S/EIS)

References:

California High-Speed Rail Authority and the Federal Railroad Administration; *Draft Program Environmental Impact Report Environmental Impact Statement (DRAFT EIR/S/EIS) for the proposed California High Speed Train System*. January 10, 2004.
(www.cahighspeedrail.ca.gov/)

Sierra Club, "High-Speed Rail, The Best Ride for the Environment" pamphlet, no date

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Bizjak, Tony, "Bullet train's cost estimate jumps 50%", *Sacramento Bee*, 1/27/2004
Crowley, Peter, "Gilroy, Coe, among bullet train options" *The Hollister Free Lance*, 1/28/2004
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Anon, "Vision in Motion" *Fresno Bee*, 1/28/2004
Editorial, "Pass on rail debt now", *Los Angeles Times*, 2/1/2004
Editorial, "Slow high-speed rail", *Sacramento Bee*, 2/2/2004

Table 1. Special Status Plants, Selected Locations. Diablo Range, Santa Clara County

Botanical Name	CNPS list	State Status	Fed Status	Coyote Ridge	Coe Park	San Antonio Valley
<i>Acanthomintha lanceolata</i>	4				X	X
<i>Androsace elongata</i> ssp. <i>acuta</i>	4					X
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i>	1B			X		
<i>Campanula exigua</i>	1B				X	X
<i>Castilleja affinis</i> ssp. <i>neglecta</i>	1B	CT	FE	X		
<i>Ceanothus ferrisiae</i>	1B		FE	X		
<i>Cirsium fontinale</i> var. <i>campylon</i>	1B		Soc	X		X
<i>Clarkia breweri</i>	4				X	X
<i>Clarkia concinna</i> ssp. <i>automixa</i>	4		Soc		X	
<i>Coreopsis hamiltonii</i>	1B		Soc			X
<i>Dudleya setchellii</i>	1B		FE	X	X	
<i>Eriastrum brandegeae</i>	1B		Soc			X
<i>Eriophyllum jepsonii</i>	4				X	
<i>Erysimum franciscanum</i>	4		Soc	X		
<i>Fritillaria liliacea</i>	1B		Soc	X		
<i>Hoita strobilina</i>	1B			X		
<i>Lessingia micradenia</i> var. <i>glabrata</i>	1B			X	X	
<i>Lessingia tenuis</i>	4*				X	X
<i>Linanthus ambiguus</i>	4			X	X	X
<i>Linanthus grandiflorus</i>	4			X	X	
<i>Malacothamnus hallii</i>	1B			X	X	
<i>Phacelia phacelioides</i>	1B				X	X
<i>Plagiobothrys myosotoides</i>	4					X
<i>Psilocarphus brevissimus</i> var. <i>multiflorus</i>	4				X	
<i>Sanicula saxatilis</i>	1B	CR			X	

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<i>Streptanthus albidus ssp. albidus</i>	1B	FE	X	
<i>Streptanthus albidus ssp. peramoenus</i>	1B		X	
<i>Streptanthus callistus</i>	1B			X X

California Department of Fish & Game, *California Natural Diversity Database*, (CNDDDB) *Government Version*, 11/3/2003, and records, Rare Plant Program, California Native Plant Society, Santa Clara Valley chapter.

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COMMENTS ON THE CAHSR DRAFT EIR/EIS

Sierra Club/Loma Prieta Chapter 8/28/2004 Response Letter: CAHSR- DRAFT EIR/EIS

APPENDIX 7

PUBLIC RESOURCES CODE SECTION 5093.30-5093.40

5093.30. This chapter shall be known and may be cited as
The California Wilderness Act.

5093.31. In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness.

5093.32. As used in this chapter:

(a) "Roadless area" means a reasonably compact area of undeveloped land which possesses the general characteristics of a wilderness, as described in subdivision (c) of Section 5093.33, and within which there is no improved road that is suitable for public travel by motorized vehicles intended primarily for highway use.

(b) "Secretary" means the Secretary of the Resources Agency.

(c) "System" means the California wilderness preservation system.

(d) "Wilderness areas" means component areas of the system as described in Section 5093.33.

5093.33. (a) There is hereby established a California wilderness preservation system to be composed of state-owned areas designated by the Legislature as "wilderness areas" and units of the state park system classified as "state wildernesses" by the State Park and Recreation Commission pursuant to Article 1.7 (commencing with Section 5019.50) of Chapter 1, and these shall be administered for the use and enjoyment of the people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, provide for the protection of such areas, preserve their wilderness character, and provide for the gathering and dissemination of information regarding their use and enjoyment as wilderness. No state-owned areas shall be designated as "wilderness areas" except as provided for in this chapter or by subsequent legislative enactment.

(b) Notwithstanding the inclusion of an area within the system, a wilderness area shall continue to be subject to the jurisdiction of the state agency or agencies having jurisdiction thereof immediately prior to its inclusion in the system. The secretary shall adopt guidelines for the management of wilderness areas. Each state agency or agencies having jurisdiction over a wilderness area shall adopt regulations for the management of such areas consistent with the guidelines adopted by the secretary and the objectives of this chapter.

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Such regulations shall include provisions to protect endangered or rare native plant and animal species.

(c) A wilderness area, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. A wilderness area is further defined to mean an area of relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions and which:

(1) Appears generally to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.

(2) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.

(3) Has at least 5,000 acres of land, either by itself or in combination with contiguous areas possessing wilderness characteristics, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.

(4) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

5093.34. (a) The following areas are hereby designated as components of the system:

(1) Santa Rosa Mountains State Wilderness, consisting of that portion of Anza-Borrego Desert State Park in San Diego County within the area encompassed by Townships 9 and 10 South and Ranges 4, 5, 6, 7, and 8 East, San Bernardino Base and Meridian, except that the State Park and Recreation Commission shall establish the precise boundary.

(2) Mount San Jacinto State Wilderness in Mount San Jacinto State Park in Riverside County consisting of approximately 9,800 acres and including all of Sections 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, and 31, Township 4 South, Range 3 East, and all of Section 6, Township 5 South, Range 3 East, except the SW 1/4 NW 1/4, NW 1/4 SW 1/4, NE 1/4 SW 1/4, SW 1/4 SW 1/4, and SE 1/4 SE 1/4, San Bernardino Base and Meridian.

(3) The land in the Sinkyone Wilderness State Park after the exchanges of land provided for in Section 6 of the act amending this section at the 1979 -80 Regular Session of the Legislature, effective upon approval of a general plan for the area by the State Park and Recreation Commission, as required by Section 5002.45.

(b) The following state school lands, currently under the jurisdiction of the State Lands Commission, shall become components of the system on January 1, 1977, unless exchanged with the federal government for other lands pursuant to existing law prior to that date:

(1) Approximately 640 acres in Monterey County within the Ventana Wilderness, consisting of Section 16, Township 19 South, Range 2 East, Mount Diablo Base and Meridian.

(2) Approximately 40 acres in Monterey County within the Ventana Wilderness, consisting of the NE 1/4 NE 1/4 of Section 36, Township 19 South, Range 3 East, Mount Diablo Base and Meridian.

(3) Approximately 80 acres in Monterey County within the Ventana

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Wilderness, consisting of the SE 1/4 NW 1/4 and the SW 1/4 NE 1/4 of Section 36, Township 19 South, Range 2 East, Mount Diablo Base and Meridian.

(4) Approximately 40 acres in Santa Barbara County within the San Rafael Wilderness, consisting of the SE 1/4 NW 1/4 of Section 16, Township 7 North, Range 27 West, San Bernardino Base and Meridian.

(5) Approximately 80 acres in Siskiyou County within the Marble Mountain Wilderness, consisting of the E 1/2 and the NW 1/4 of Section 16, Township 41 North, Range 12 West, Mount Diablo Base and Meridian.

(6) Approximately 640 acres in Tehama County within the Yolla Bolla Middle Eel Wilderness, consisting of Section 36, Township 27 North, Range 10 West, Mount Diablo Base and Meridian.

Nothing herein shall preclude the State Lands Commission from effecting exchanges of any such land described in subdivision (b) with the federal government on or after January 1, 1977, for the purpose of including the exchanged land in the national wilderness preservation system. Upon completion of any such exchange, any such land described in subdivision (b) shall no longer be part of the system.

5093.35. (a) On or before January 1, 1978, the secretary, in cooperation with each department within the Resources Agency, shall review state-owned roadless areas under his jurisdiction as of January 1, 1975, including, but not limited to, lands within the state park system, state forests, and fish and game refuges, reserves, sanctuaries, and other areas designated for the protection of wildlife, but not including tide and submerged lands lying below the mean high tide line, and shall report to the Legislature his recommendations as to the suitability or unsuitability of each such area for preservation as state wilderness.

(b) On or before January 1, 1976, the State Lands Commission shall review state-owned roadless areas under its jurisdiction which have been identified as possessing significant environmental values pursuant to Section 6370.2, and shall report to the Legislature its recommendations as to the suitability or unsuitability of each such area for preservation as wilderness.

(c) Additional reviews and reports as to suitability or unsuitability for preservation as wilderness shall be made by the secretary and the State Lands Commission for the following areas:

(1) State-owned roadless areas under their respective jurisdictions and within or contiguous to federal wilderness areas designated by the Congress after January 1, 1975, within one year after such designation.

(2) State-owned roadless areas under their respective jurisdictions, which are acquired after January 1, 1975, within three years of such acquisition.

(d) The secretary and the State Lands Commission, prior to submitting any recommendations with respect to the suitability of any area for preservation as a wilderness area, shall:

(1) Give such public notice of the proposed action as deemed appropriate, including publication in one or more newspapers of general circulation in each county within which the affected area is located, and mailed to every person who has filed a request for notice of hearing. If the notice of hearing is published in a weekly newspaper, it must appear therein on at least two different days of publication,

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and, if in a newspaper published more often, there must be at least five days from the first to the last day of publication, both days included. The content of the notice of hearing shall substantially comply with the requirements of Section 11424 of the Government Code.

(2) Hold a public hearing or hearings in the City of San Diego, City of Los Angeles, City and County of San Francisco, or City of Sacramento, whichever is closest to the area affected, not less than 30 days, nor more than 60 days, after the last date of publication of the notice. The hearing shall be conducted in the manner specified in Section 11425 of the Government Code.

(3) Advise, at least 30 days before the date of a hearing, the board of supervisors of each county in which the lands are located, and federal, state, and local agencies concerned, and invite such officials and agencies to submit their views on the proposed action at the hearing or within a specified period thereafter.

(e) Any view submitted under the provisions of subdivision (d) with respect to any area shall be included with any recommendations to the Legislature with respect to such area.

(f) Any modification or adjustment of boundaries of any wilderness area designated by the Legislature shall be recommended to the Legislature by the secretary or the State Lands Commission after public notice of such proposal and public hearing or hearings as provided in subdivision (d).

(g) Nothing contained herein shall be construed to lessen the present statutory authority of any state agency with respect to the maintenance of roadless areas.

(h) Privately owned areas within or contiguous to state-owned areas shall not preclude the review of the state-owned areas as provided in this section.

5093.36. (a) Except as otherwise provided in this chapter, each state agency with jurisdiction over any area designated as a wilderness area shall be responsible for preserving the wilderness character of the wilderness area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

(b) Except as specifically provided in this chapter, and subject to private rights existing as of January 1, 1975, there shall be no commercial enterprise and no permanent road within any wilderness area and, except as necessary in emergencies involving the health and safety of persons within the wilderness area, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 2,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any wilderness area.

(c) The following special provisions are hereby made:

(1) Within wilderness areas, such measures may be taken as may be necessary for the control of fire, insects, and diseases, subject to such conditions as the state agency or agencies having jurisdiction over such wilderness areas may deem desirable.

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(2) Nothing in this chapter shall prevent any activity by any public agency within a wilderness area, including prospecting, for the purpose of gathering information about mineral or other resources, which the state agency or agencies having jurisdiction over such wilderness area have determined will be carried on in a manner compatible with the preservation of the wilderness environment.

(3) The state agency or agencies having jurisdiction over wilderness areas may authorize the collection of hydrometeorological data and the conduct of weather modification activities, including both atmospheric and surface activities and environmental research, which are within, over, or may affect wilderness areas and for such purposes may permit access, installation, and use of equipment which is specifically justified and unobtrusively located. Maximum practical application of miniaturization, telemetry, and camouflage shall be employed in conducting weather modification activities. In granting permission for the conduct of data collection and weather modification activities, the appropriate state agency may prescribe such operating and monitoring conditions as it deems necessary to minimize or avoid long-term and intensive local impact on the wilderness character of the wilderness areas affected.

(4) Within wilderness areas, the grazing of livestock, where established prior to January 1, 1975, may be permitted to be continued by the present lessee or permittee subject to limitation by such terms and regulations as are deemed necessary by the state agency or agencies having jurisdiction over such wilderness areas.

(5) The provisions of this chapter shall not apply to the aerial stocking of fish or to the conduct of aerial surveys of wildlife species.

5093.37. (a) In any case where privately owned land is completely surrounded by wilderness areas, the private owner may acquire from the state a reasonable means of ingress and egress across wilderness areas from highways and roads to such land and from such land to highways and roads.

(b) Application from such a private owner for ingress and egress shall be made to the administering state agency. When application for ingress and egress is received, the administering state agency shall determine whether any reasonable access exists outside the boundaries of the wilderness area or could be economically constructed.

(c) Where reasonable access does not exist or cannot be economically constructed outside the boundaries of the wilderness area, the administering state agency shall grant a permit for right-of-way across the wilderness area over such route, and subject to such conditions and construction and maintenance specifications, as the administering state agency may determine will cause minimum alteration to the physical features of the wilderness area and minimum interference with the use of the wilderness area by the public.

(d) The permittee shall, at his own expense, construct and maintain the means of ingress and egress in accordance with the terms and conditions set forth in the permit, noncompliance with which in any part shall be due cause for revocation of the permit.

(e) The administering state agency may require a permittee to allow the use of such means of ingress and egress by other applicants whose lands are similarly situated. The administering state agency shall grant a permit for such use under terms and conditions imposed upon